

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

CMCP.No. 28 of 2007()

OS.161/2006 OF PRL.SUB COURT,IRINJALAKUDA

PETITIONER/APPELLANT

INDUSEKHARAN, S/O.PADINJAREVAKKAYIL
KAMALAKSHI AMMA, KONATHUKUNNU DESOM,
THEKUMKARA VILLAGE, MUKUNDAPURAM TALUK.

BY ADV. SRI.P.SANTHOSH (PODUVAL)

RESPONDENTS:RESPONDENT:

GOPINATHA MENON, S/O.MANAMMEL KUMARI
AMMA, THEKUMKARA VILLAGE, KONATHUKUNNU DESOM,
MUKUNDAPURAM TALUK.

BY ADV. SRI.K.G.BALASUBRAMANIAN
GOVERNMENT PLEADER

THIS CIVIL MISC. CASE(PAUPER) HAVING BEEN FINALLY HEARD
ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

P.R. RAMAN & V. K. MOHANAN, JJ.
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C.M.C. NO. 28/2007 & I.A. 4163/2007
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DATED THIS, THE 13TH DAY OF NOVEMBER, 2007.

ORDER

Raman, J.

Heard. The appellant instituted the suit as an indigent, as allowed by the court below. The report of the Tahsildar does not show that the appellant has acquired any property subsequent to the filing of the suit and before institution of the present appeal. Accordingly, the CMC is allowed in terms of Rule 3 of Order 44 and in view of the affidavit filed by the appellant.

2. An interim direction was passed by this court in favour of the appellant restraining the defendant from alienating the property without permission of this Court. By the present application - I.A. 4163/2007 petitioner/appellant seeks a clarification by including a direction 'not to create any encumbrance on the plaint schedule property also without permission of this Court.

3. Heard both sides. In the facts and circumstances of the case, a clarification as sought for is allowed and there will be an interim direction not to alienate or encumber the property without permission of this court.

Number the appeal and post for admission.

P.R. RAMAN,
(JUDGE)

V. K. MOHANAN,
(JUDGE)

knc/-